

NOT FOR PUBLICATION

(Doc. No. 15)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

THE PHILADELPHIA  
CONTRIBUTORSHIP INSURANCE  
COMPANY,

Plaintiff,

V.

VINCENT MALCOLM, SR.,  
ERNESTINE MALCOLM, and VINCENT  
MALCOLM, Jr.,

Defendants.

[illegible]

Civil No. 11-4684 (RBK/JS)

## ORDER

**THIS MATTER** having come before the Court on the motion for summary judgment of Plaintiff The Philadelphia Contributionship Insurance Company (“Plaintiff”) against Defendants Vincent Malcolm, Sr., Ernestine Malcolm, and Vincent Malcolm, Jr. (collectively, “Defendants”); and the Court having reviewed Plaintiff’s brief and attached materials; and

**IT APPEARING TO THE COURT** that Defendants do not oppose Plaintiff's motion;  
and

**IT FURTHER APPEARING TO THE COURT** that Default in this matter has already been entered against Defendants;

**IT IS HEREBY ORDERED** that, for the reasons expressed in the accompanying Opinion, Plaintiff's motion for summary judgment is **GRANTED**; and

**IT IS HEREBY FURTHER ORDERED** that:

- 1) Plaintiff is declared free of any obligation or duty under Homeowners Policy No. 322516 to pay defense costs to, or on behalf of, Vincent Malcolm, Sr., Ernestine Malcolm or Vincent Malcolm, Jr., in connection with the lawsuit captioned Robert Hinaman v. Vincent Malcom [sic], Sr., et al., Superior Court of New Jersey, Law Division, Docket No. CAM-L-556-10; and
- 2) Plaintiff has no duty under Homeowners Policy No. 322516 to indemnify Vincent Malcolm, Sr., Ernestine Malcolm or Vincent Malcolm, Jr., in connection with the lawsuit captioned Robert Hinaman v. Vincent Malcom [sic], Sr., et al., Superior Court of New Jersey, Law Division, Docket No. CAM-L-556-10; and
- 3) Plaintiff has no duty under Homeowners Policy No. 322516 to pay any monies to, or on behalf of, Robert Hinaman, Vincent Malcolm, Sr., Ernestine Malcolm or Vincent Malcolm, Jr., or any other person or entity, for any injuries or losses sustained by Robert Hinaman in connection with the incident, damages, claims or causes of action set forth in the lawsuit captioned Robert Hinaman v. Vincent Malcom [sic], Sr., et al., Superior Court of New Jersey, Law Division, Docket No. CAM-L-556-10.

Dated: 6/27/12

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge